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# SENATE CONCURRENT RESOLUTION

URGING THE GOVERNOR TO ENSURE THAT RELEVANT STATE AGENCIES,  
INCLUDING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN  
SERVICES, COLLABORATE TO EXPLORE AVENUES TO ENSURE  
CONTINUED ACCESS TO AFFORDABLE MEDICATIONS FOR THE STATE'S  
UNDERSERVED POPULATIONS UNDER THE 340B DRUG PRICING PROGRAM  
AND URGING HAWAII'S CONGRESSIONAL DELEGATION AND RELEVANT  
FEDERAL AGENCIES TO MONITOR PHARMACEUTICAL COMPANIES AND  
TAKE APPROPRIATE ACTIONS TO PROTECT THE INTEGRITY OF THE  
340B DRUG PRICING PROGRAM.

1           WHEREAS, the federal 340B Drug Pricing Program (340B  
2 Program) requires pharmaceutical companies to sell outpatient  
3 drugs at discounted prices to covered entities, including  
4 certain types of hospitals and federally qualified health  
5 centers (FQHCs), for the pharmaceutical companies' medications  
6 to be covered by Medicaid; and  
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8           WHEREAS, more than two thousand six hundred hospitals were  
9 participating in the 340B Program as of January 2023; and  
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11           WHEREAS, to be eligible for the 340B Program, hospitals  
12 must meet various criteria, which may include treating  
13 disproportionate numbers of low-income Medicare and Medicaid  
14 patients, as measured by each hospital's disproportionate share  
15 hospital adjustment percentage; and  
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17           WHEREAS, the 340B Program plays a vital role in supporting  
18 access to affordable pharmaceuticals for eligible hospitals and  
19 FQHCs serving vulnerable populations across the United States;  
20 and  
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22           WHEREAS, the 340B Program enables participating hospitals  
23 to stretch scarce federal resources to reach more eligible  
24 patients and provide comprehensive health care services to  
25 underserved communities; and



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2 WHEREAS, it is crucial to safeguard the integrity and  
3 effectiveness of the 340B Program to ensure continued  
4 availability of discounted medications; and  
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6 WHEREAS, pharmaceutical companies have a responsibility to  
7 support access to affordable medications for all patients,  
8 including those served by hospitals and FQHCs participating in  
9 the 340B Program (340B hospitals), and should refrain from  
10 engaging in actions that hinder the ability of eligible  
11 hospitals and FQHCs to fulfill their mission of providing high-  
12 quality care to underserved populations; and  
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14 WHEREAS, recent trends indicate that pharmaceutical  
15 companies are imposing provisions that restrict the ability of  
16 340B hospitals and FQHCs to utilize contracted pharmacies for  
17 the distribution of drugs under the 340B Program (340B drugs);  
18 and  
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20 WHEREAS, these restrictions impact the ability of 340B  
21 hospitals and FQHCs to effectively serve their patients and can  
22 create unnecessary barriers to accessing affordable medications;  
23 now, therefore,  
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25 BE IT RESOLVED by the Senate of the Thirty-second  
26 Legislature of the State of Hawaii, Regular Session of 2024, the  
27 House of Representatives concurring, that the Governor is urged  
28 to ensure that relevant state agencies, including the Department  
29 of Health and Department of Human Services, collaborate to:  
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- 31 (1) Explore avenues to collaborate with 340B hospitals and  
32 FQHCs, community pharmacies, and other stakeholders to  
33 ensure the continued accessibility to affordable  
34 medications for underserved populations in Hawaii; and  
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36 (2) Work with pharmaceutical companies to ensure that the  
37 companies uphold their commitment to patient access to  
38 affordable pharmaceuticals by refraining from  
39 implementing restrictions that undermine the ability  
40 of 340B hospitals and FQHCs to serve their patients  
41 and communities; and  
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1 BE IT FURTHER RESOLVED that the Hawaii congressional  
2 delegation and relevant federal agencies are urged to monitor  
3 and address any instances of pharmaceutical company actions that  
4 restrict access outlined in section 256B of Title 42 of the  
5 United States Code to 340B drugs and to take appropriate  
6 legislative or regulatory action to protect the integrity of the  
7 340B Program; and

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9 BE IT FURTHER RESOLVED that certified copies of this  
10 Concurrent Resolution be transmitted to the Governor, Director  
11 of Health, Director of Human Services, Hawaii's congressional  
12 delegation, Administrator of the Health Resources and Services  
13 Administration, and Administrator of the Centers for Medicaid  
14 and Medicare Services.

